

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, October 25, 2021, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Red Ribbon Week Proclamation [Pg. 1]

E. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

F. Consent Calendar

1. Approve Council minutes for October 11, 2021 [Pg. 2]
2. Accept Financials for September 2021 [Pg. 4]

G. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. KCIW Memorandum of Understanding Extension [Pg. 10]
 - a) KCIW letter, requesting extension [Pg. 12]
 - b) Current MOU [Pg. 13]
2. Land Development Code Revisions – Accessory Dwelling Unit [Pg. 15]
 - a) Ordinance 21-O-794 [Pg. 16]
 - b) Exhibit A [Pg. 17]
3. Conditional Use Permit – Benevolent Meal Services [Pg. 18]
 - a) Ordinance 21-O-795 [Pg. 20]
 - b) Exhibit A [Pg. 21]

H. Remarks from Mayor and Councilors

I. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall and at Chetco Community Public Library. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the council chambers will be limited and social distancing of six (6) feet will be required and maintained. If you would like to view the City Council Meeting live, you can via:

-Television – Charter Channel 181

-Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.



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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 25, 2021

Originating Dept: PW/DS


Signature (submitted by)

City Manager Approval

Subject:

Conditional Use Permit - Benevolent Meal Service

Recommended Motion:

1. Approve file LDC-2-21 and adopt ordinance 21-O-795 amending the Brookings Municipal Code Chapter 17, Sections 17.08.020 B Terms, 17.20.040, 17.24.040, 17.28.040 Conditional Uses and 17.124 Specific Standards Applying to Conditional Uses.
2. Approve waiver for entities that apply for CUP under above mentioned sections for 3 months from adoption of Ordinance 21-O-795.

Financial Impact:

None

Background/Discussion:

Staff received direction from Council and Planning Commission at a joint workshop held on August 30, 2021 to propose revisions to the Brookings Municipal Code (BMC) that would provide a method for local churches and other non-profits to obtain a conditional use permit in order to provide benevolent meal services in a residential zone. Oregon Health authority (OHA) has classified the community kitchens located at St. Timothy's Episcopal Church, Star of the Sea Catholic Church and the Presbyterian Church as restaurants. The BMC doesn't allow "restaurants" either outright or conditionally as they are currently operating within residential districts (R-1, R-2, R-3).

Staff is proposing revisions to the BMC that would create a method for allowing benevolent meal services in churches and other non-profits, in a residential zone, under a conditional use permit.

At the October 5th meeting, the Planning Commission reviewed and recommended approval of file LDC-2-21 and adoption of ordinance 21-O-795 amending the Brookings Municipal Code Chapter 17, Sections 17.08.020 B Terms, 17.20.040, 17.24.040, 17.28.040 Conditional Uses and 17.124 Specific Standards Applying to Conditional Uses.

City Council indicated at the workshop that any planning fees associated with a CUP for benevolent meal services would be waived for an initial period (i.e. 3 months). After 3 months, an organization could still individually request that waiver.

Attachment(s):

- a. Ordinance 21-O-795
- b. Exhibit A

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 21-O-795

**IN THE MATTER OF ORDINANCE 21-O-795, AN ORDINANCE AMENDING A SUBSECTION OF
BROOKINGS MUNICIPAL CODE IN CHAPTER 17 LAND DEVELOPMENT CODE**

Sections:

Section 1. Ordinances Identified.

Section 2. Amends Chapter 17, Section 17.08.020 B Terms

Amends Chapter 17, Section 17.20.040 Conditional Uses

Amends Chapter 17, Section 17.24.040 Conditional Uses

Amends Chapter 17, Section 17.28.040 Conditional Uses

Amends Chapter 17, Section 17.124 Specific Standards Applying to
Conditional Uses

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends the Brookings Municipal Code
Chapter 17 Land Development Code.

Section 2. Amends Chapter 17, Sections 17.08.020 B Terms, 17.20.040 Conditional
Uses, 17.24.040 Conditional Uses, 17.28.040 Conditional Uses, and 17.124 Specific
Standards Applying to Conditional Uses are hereby amended to read as presented in
Exhibit A attached hereto with additions designated in bold and underlined and deletions
being bold and struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this 25th day of October 2021.

ATTEST:

Mayor Ron Hedenskog

City Recorder Janell K Howard

Exhibit A

Conditional Uses - Benevolent Meal Services

Changes to BMC:

(additions are bold and underlined, deletions are ~~bold and strikeout~~)

Chapter 17

LAND DEVELOPMENT CODE

17.08.020 B Terms

“Benevolent meal service” means a periodic food service operation that provides food to the public without charge

Chapter 17.20

SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

17.20.040 Conditional Uses.

V. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.24

TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

17.24.040 Conditional Uses.

W. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.28

MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

17.28.040 Conditional Uses.

U. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.124

SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.050 Benevolent Meal Service

A. Organizations or individuals providing benevolent meal services may serve meals to the public up to 2 days per week between the hours of 9am and 5pm. No benevolent meal service shall last more than three hours per day.

B. Benevolent meal services shall comply with all applicable state and county public health requirements and shall maintain any permits, licenses, or certifications required to provide such services at all times.

C. Benevolent meal services must utilize off-street parking facilities that comply with all applicable requirements of the Brookings Municipal Code. Off-street parking facilities shall include screening measures to reduce noise and other impacts to abutting properties.

D. Any structures used to provide benevolent meal services shall comply with all applicable city, county and state requirements related to building, fire and public works standards.

E. An organization providing benevolent meal services must meet the requirements of a charitable organization under Section 501(c)(3) of the Internal Revenue Code.

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, October 25, 2021

Call to Order

Mayor Hedenskog called the meeting to order at 7:01 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Brad Alcorn, Ed Schreiber, John McKinney, and Michelle Morosky; a quorum present

Staff present: City Manager Janell Howard, Public Works Director Tony Baron, Deputy Public Works Director Jay Trost, Deputy Finance Director Lu Ehlers, and Deputy Recorder Natasha Tippetts

Media Present: 2

Others Present: 29 audience members

Ceremonies

1. Award Red Ribbon Week Proclamation to Emblem Club

Oral Requests and Communications from the Audience

1. Mike Murphy – PO Box 953, Brookings; provided information about the proposed Harbor Water plant
2. Bob Webb – 22 Seascape Court, Brookings; provided opinion on public safety
- 3.

Consent Calendar

1. Approve Council minutes for October 11, 2021
2. Accept Financials for September 2021

Councilor Schreiber moved, Councilor McKinney seconded, and Council voted unanimously to approve the Consent Calendar.

Staff Reports

1. **KCIW Memorandum of Understanding Extension**

Staff report presented by Janell Howard

Doug Hansen spoke on behalf of KCIW

Councilor McKinney moved, Councilor Alcorn seconded, and Council voted unanimously to deny the extension of the KCIW Memorandum of understanding.

2. **Land Development Code Revisions – Accessory Dwelling Unit**

Staff report presented by Tony Baron

Councilor Schreiber moved, Councilor Alcorn seconded, and Council voted unanimously on Ordinance 21-O-794 to be read by title only.

Councilor McKinney moved, Councilor Schreiber seconded, and Council voted unanimously on adopting Ordinance 21-O-794.

3. **Conditional Use Permit – Benevolent Meal Services**

Staff report presented by Tony Baron

Oral Requests:

1. Tracy Rupp, 97371 Marina Loop, Brookings; provided opinion in support of St. Timothy's Episcopal Church services
2. Diana Cooper, 805 Paradise Lane, Brookings; spoke in support of services from St. Timothy's Episcopal Church
3. Bernie Lindley, 401 Fir Street, Brookings; gave opinion on public records in regards to this Ordinance
4. Hank Cunningham, 520 Redwood Street, Brookings; spoke in support of services from St. Timothy's Episcopal Church
5. Teresa Lawson, 820 Brookhaven Drive, Brookings; spoke in support of services from St. Timothy's Episcopal Church
6. Reverend Linda Lee, 98874 North Bank Road, Brookings; spoke in support of services from St. Timothy's Episcopal Church
7. Bill Hamilton, 1 Park Avenue, Brookings; spoke in support of services from St. Timothy's Episcopal Church

Councilor Schreiber moved, Councilor Morosky seconded, and Council voted unanimously on Ordinance 21-O-795 to be read by title only.

Councilor McKinney moved, Councilor Alcorn seconded, and Council voted unanimously on adopting Ordinance 21-O-795.

Councilor Schreiber moved, Councilor McKinney seconded, and Council voted unanimously to waive Conditional Use Permit Fees to those who apply within 90 days.

Remarks from Mayor and Councilors

All Council remarked that they are attempting to find a middle solution to both public and church.

Adjournment

Mayor Hedenskog moved, Councilor Mckinney seconded and Council voted unanimously to adjourn the meeting at 8:02 PM

Respectfully submitted:

ATTESTED:
this 8th day of November, 2021:

Ron Hedenskog, Mayor

Janell K. Howard, City Recorder